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SUMMARY RECORD OF THE 342nd MEETING

Held at Headquarters, New York,
on Friday, 11 July 1997, at 10 a.m.

Chairperson: Ms. KHAN

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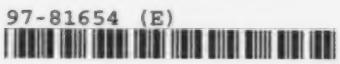

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Namibia (continued) (CEDAW/C/NAM/1)

1. At the invitation of the Chairperson, Ms. Ndaitwah (Namibia) took a place at the Committee table.

2. Ms. NDAITWAH (Namibia) said that she had taken due note of the Committee's useful suggestions and that Namibia's future reports would systematically address the Committee's 22 general recommendations.

Article 2

3. There was no conflict between the Convention on the Elimination of All Forms of Discrimination against Women and the Namibian Constitution; in fact, parts of the Constitution were modelled after the Convention Customary law remained in effect only to the extent that it did not conflict with the Constitution. Customary law had never been challenged on the ground that it violated constitutional guarantees of gender equality. Efforts were under way to reform customary law, particularly in the area of family law and land reform, and a framework for research and reform had been discussed recently. The public was being prepared for such changes through the media, public meetings, hearings and the support of traditional leaders who had come to understand the principle of gender equality.

4. The new Traditional Authorities Act provided for official recognition of traditional leaders and established mechanisms for settling disputes on who was the rightful leader of a specific group. The jurisdiction of traditional courts was governed by statutes inherited from South Africa, which would be replaced by a new law defining their powers and duties. People often preferred to resort to traditional courts because they, unlike civil courts, provided compensation in cases such as stock theft; magistrate's courts were located too far from many rural areas (despite the establishment of new courts since Namibia's independence); and some people still associated civil courts with the former apartheid regime. However, the use of traditional courts had decreased since independence, especially in matters relating to marriage, possibly because most, if not all, judges in traditional courts were men and were considered unlikely to be sympathetic to women's interests.

5. Both women and men might face strong cultural pressure to follow traditional customs, depending on the issue in question. There was no general statute governing the choice between the two legal systems, but efforts were being made to harmonize them on family law issues; for example, the procedure for approaching the magistrate's courts to obtain child support was equally available to women in civil or customary marriages.

6. Three of the members of the Law Reform and Development Commission were women. Women also participated in its work as members of its subcommittees, researchers and participants in consultative meetings. The Commission, whose members were appointed by the President, operated within the Ministry of Justice and could establish subcommittees as necessary. It employed one full-time researcher and drew upon the services of other employees of the Ministry. It also made use of local and international consultants. However, it required more full-time staff to speed up the reform process.

7. Although new legislation was usually proposed by the individual ministries, the Commission could make recommendations to the Minister of Justice; gender issues were its highest priority. Its first report had proposed the Married Persons Equality Act and its second report would address amendments to the Maintenance Act. It was also in the process of preparing reform proposals on rape and domestic violence laws, and establishing a framework for research and reform efforts aimed at harmonizing customary and civil law in the area of family law. Its priorities had been determined partly through consultation with the Government and non-governmental organizations. There was no overall timetable for reform, but target dates could be set for reforms on priority issues such as violence against women; the Parliament would probably require that that reform should be submitted to it within three months.

8. Women's use of the legal system was limited by the high fees of private lawyers and the legal profession's lack of gender sensitivity. Legal aid was available for a wide range of legal actions, and women who wished to challenge discriminatory laws or actions could also obtain free assistance from non-governmental organizations. Moreover, the Ombudsman provided free assistance in cases under that office's jurisdiction. However, there was a need to increase women's awareness of those options. Women could and did represent themselves in court, most often in divorce cases, and married women no longer needed their husband's permission to institute legal action. Since class actions were not allowed under Namibian law, women must act individually in separate cases.

9. With the shift from a women-and-development approach to a gender-and-development approach, the Department of Women Affairs had decided that all its future educational programmes would target both women and men. Although the Government had not yet considered creating the post of gender equality ombudsman, the idea was interesting and would be discussed. She agreed that, ideally, the Ombudsman should be a member of the Gender Network Coordinating Committee; however, it would only be possible to have the Office of the Ombudsman represented on that Committee, since the Ombudsman herself had a very heavy workload owing to the excessive demands that were usually placed on women in senior positions.

10. Although the Office of the Ombudsman could not carry out judicial review in respect of unconstitutional acts, it could initiate legal action to secure a suitable remedy for the complainant. The appointment of a woman as Ombudsman had prompted more women to seek advice from that Office on their rights within marriage. The Office planned to launch a proactive campaign, including an electronic media campaign, to raise women's awareness of its role in supporting their rights, as well as nationwide outreach activities targeting, inter alia,

women's groups and associations. It should be noted that the Ombudsman herself preferred to continue using the term "Ombudsman" (which was not gender-neutral) because it appeared in the Namibian Constitution.

11. The Office of the Ombudsman acted as a watchdog to ensure public-sector compliance with the new laws. The Public Service Commission also played a monitoring role, and several trade unions were active in the public sector.

12. The Department of Women Affairs was represented in the Cabinet but did not yet have a vote. The Department chaired the Gender Network Coordinating Committee and had been represented on the Women and Law Committee. It also participated in committees dealing with gender issues in other ministries and in joint committees with other countries.

13. No national policy had yet been adopted on the implementation of the Beijing Platform for Action. Once the national gender policy had been finalized, a national programme of action incorporating measurable targets would be implemented. Meanwhile, specific programmes were already being carried out.

Article 3

14. Namibia's report had not addressed child labour under article 3 because that issue was dealt with under article 11.

15. The law reform initiative on violence against women covered both sexual offences and domestic violence. Education on gender equality and women's role in development was a key strategy for preventing violence against women.

16. The Combating of Immoral Practices Act, which provided a special defence for young boys who engaged in sexual activity with prostitutes, had been inherited from the pre-independence regime. It would be amended to abolish that special defence, through either the forthcoming legislation on child protection or the reforms to be introduced in the laws on sexual offences.

17. The issue of domestic violence had received attention from a number of non-governmental organizations and women's groups, which had recently opened shelters for women and children and were providing training in counselling for victims and organizing support groups. The Government was committed to maintaining its Women and Child Abuse Centres on a long-term basis, although they would be more effective if more funding were available.

18. Under customary law, widows were sometimes pressured to enter into a marriage with an extended family member, but that was not considered "forced sexual intercourse". Namibia had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provided guarantees protecting women detainees from sexual assault. Rape committed by a person related to a woman was treated in the same manner as any other case of rape.

Article 4

19. Since the policy on affirmative action was not yet in place, targets and time-frames would be spelled out in programmes to be developed by individual Ministries. Proposals for new legislation and enforcement mechanisms were still being finalized.

20. There was no specific policy on granting of credit to women, and no response had been received from non-governmental organizations regarding the draft Communal Land Bill. Maternity protection and benefits were understood to be long-term measures, but they were also viewed as supports to temporary affirmative action measures. Since they were part of a scheme of benefits compulsory for all workers, employers could not argue that it was more expensive to hire women because they received special benefits.

21. Many men and women in leadership positions, including parliamentarians, Ministers, Permanent Secretaries, traditional leaders and church leaders had gone through gender sensitization workshops organized by the Department of Women Affairs.

Article 5

22. The areas where advocacy programmes were needed to combat stereotypes included job stereotypes which perpetuated poverty among women, their disproportionate share of household chores which sometimes caused girls to leave school, and pressure to focus on stereotypes of beauty.

23. Although there had been some public opposition to the Miss Universe pageant, there had been little organized protest from non-governmental organizations. Some had criticized the expenditure involved, although the Government viewed it as an investment in tourism and international publicity for Namibia from which women could also benefit.

24. Despite a certain reticence in Namibian society about the discussion of sexual matters, information about sexually transmitted diseases and HIV/AIDS was openly discussed.

Article 6

25. The process of reforming the law on prostitution had not yet begun, and the moratorium on prosecution had made the issue somewhat less urgent. Prostitution was not an accepted practice under customary law. Any research on prostitution would probably be undertaken in conjunction with the law reform initiative. Information about sexually transmitted diseases was widely available, as was free contraception, to anyone in Namibia, including prostitutes. Since prostitution was not conducted openly, little or no data was available about illegal abortion among prostitutes, its prevalence among immigrant and refugee women, and about the male clients of prostitutes. There were a variety of income-generating programmes for women, though none were aimed specifically at prostitutes. No data on child prostitution was available, although efforts to get street children back into school should help to prevent it.

26. Although no statistics on intercountry adoption were available, social workers reported that they were extremely rare.

Article 7

27. The experiment with affirmative action for women in traditional authorities had not been repeated outside the Uukwambi area, and no follow-up information on its effectiveness was available. There were no special measures currently in place to promote women in the legal profession, but that profession in general was lacking gender sensitivity and the Department would look into the possibility.

28. In the public services, as at 31 March 1996, women constituted 17.2 per cent of management, as compared to 82.8 per cent men. Statistics for women in management in the private sector were not available. The Namibian Defence Force had not provided any statistics on women in the military.

29. Women in decision-making positions in Government had done much to promote the concerns of women. For example, the affirmative action provisions in the Local Authorities Act had been included because the Minister at the time it was passed was a woman. Currently, over 30 per cent of Local Authority Councillors were women. The woman Ombudsman had also made a major impact through her clear plan for outreach to women. Women in the Cabinet had also appointed several other women to the boards of parastatal enterprises. The newly formed Parliamentary Women's Caucus intended to give women access to Parliament in order to bring gender issues before it for debate and to ensure that the gender dimension was considered in all laws enacted.

30. Only the right to vote, to hold office, to form and join political parties and to engage in peaceful political activity were limited to citizens of Namibia; all other human rights and fundamental freedoms applied to all. Honorary citizens had the same rights as all other citizens - the first among them had been Mr. Marrtti Ahtisaari, former United Nations Special Representative for Namibia, who had overseen the 1989 elections.

31. Some women in the media had been able to use their positions effectively to promote a broader view of women, and the creation of the Women and Media Association had helped to raise awareness. The television coverage of the Namibian delegation to the Beijing Conference had also had a tremendous impact.

32. Under the Constitution, the six presidential appointees to the National Assembly were non-voting members. Men still dominated among elected officials because women had obtained full voting rights less than a decade earlier, after more than a century of exclusion from the electorate. It would take hard work to change attitudes through education, and to affect the male-dominated party structures through which most individuals entered the political arena. Women currently held ministerial posts in the Ministry of Health and Social Services, the Ministry of Land, Resettlement and Rehabilitation, the Department of Women Affairs and the National Planning Commission, a constitutional post with responsibility for developing the overall economic plan and allocating the capital budget.

33. At the University of Namibia, in 1995 only one of six members of the law faculty was a woman and there was only one woman dean. Women were under-represented in decision-making in the private sector because of the culture of both the black and white communities, which kept women "in the kitchen". Before the enactment of the Married Persons Equality Act, which had removed one barrier, married women could not become directors of companies without the consent of their husbands, which had some effect on their overall participation in that sector.

34. The initial local government elections had been held on a party-list basis. The initial plan had been for the second and subsequent elections to be held on a constituency basis to encourage accountability. However, Parliament had recently extended the party-list system and the affirmative action provisions for one more election, which should be sufficient to give women a stronger foothold in local government. Against that background the South West Africa People's Organization had decided to introduce a "zebra" list - half women, half men - in the forthcoming elections.

Article 8

35. Gender training was not part of the training of Namibian diplomats, but the matter would be taken up by the Department of Women Affairs. The Department also noted the suggestion that the CEDAW report should be required reading for all members of the foreign service; the report should in fact also be required reading for civil servants in senior positions. The Department would check on the adequacy of gender information in other reports submitted by Namibia under human rights conventions.

36. The position of "third secretary" in Namibia's foreign missions was a clerical post, but a number of the women who had served in it had since been promoted. Not counting that post, there was still a high percentage of women in middle-management positions in Namibia's foreign missions.

37. There were no gender-based distinctions in respect of citizenship, nor were there special citizenship provisions for refugees. Namibia had ratified the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1951 United Nations Convention relating to the Status of Refugees, and was complying with the provisions of those instruments.

Article 10

38. Well-established programmes in nursing, teaching and social work explained the greater number of women than men enrolled at the University of Namibia, as those fields were popular career options for young women in Namibia. Business and administrative courses were also beginning to attract more women. Programmes also existed to encourage parents to reduce the family workload for both boys and girls in order to allow them to stay in school.

Article 11

39. There was no minimum wage in the agricultural sector, although the option of instituting one was currently being considered. Communities were being encouraged to provide childcare services, with the assistance of the Ministry of Basic Education and Culture; the lack of such facilities was sometimes an obstacle, although women did not always use them even when available. Women still faced discrimination from employers in job interviews if they revealed an intention to become pregnant. The Government and several non-governmental organizations were addressing the problem of weak enforcement of the Labour Act in the domestic work sector, which was due to the isolation and perceived low skill level of the women who predominated in it.

40. While wages were equal for men and women at the same job level, women were under-represented at the higher levels. As part of the follow-up to the Fourth World Conference on Women, career guidance practices in the schools were being re-examined with a view to enhancing women's career development, and teachers would be trained to be more sensitive to the needs of the girl child. Proposed affirmative action policies would require employers to keep detailed gender statistics on their workforces, and the National Planning Commission was publishing key gender statistics on a regular basis.

Article 12

41. The health section of the report had focused on maternal and reproductive health issues to the exclusion of other health issues affecting women, which reflected a shortcoming in the preparation of the report rather than a lack of gender-disaggregated information on other issues or a lack of gender sensitivity.

42. Tuberculosis, while a controllable disease, had become a major cause of death owing to the proliferation of HIV/AIDS, overcrowding, malnutrition and alcoholism that were directly connected with the massive influx of rural populations into urban areas. Of a total of 499 tuberculosis deaths in 1995, 177 had been of women, and 208 women had died of the disease out of a total toll of 604 in 1996. In the area of the nutritional status of males and females, information was available only for children under 5 for 1992; boys had slightly higher rates of stunting, wasting and being underweight than did girls.

43. To help young girls avoid teenage pregnancy, population education was being integrated into school curricula with the assistance of the United Nations Population Fund (UNFPA) although no information was currently available on programme content. Nor were statistics or information available on maternal mortality rates by age, anaemia incidence by sex, or the most common causes of death by sex, but the 1992 rates of infant mortality per thousand live births were 66.6 for males and 56.6 for females. While some communities exhibited a strong cultural preference for sons, others appeared to prefer daughters; there were no incidences of abortion for sex selection. No formal research had been conducted on the causes of illegal abortion, but teenage pregnancy, shame, fear of parental reaction, peer pressure and financial constraints were known to be contributing factors. The Department also had no information on the relationship of child mortality to polygamy.

Article 14

44. Loans and grants were available to rural women from a variety of sources including the Department of Women Affairs; no spousal consent was needed for such assistance. Preferential rates were not available for women, although the Department was looking into small-scale credit programmes for women through the establishment of a Gender Development Fund.

Article 16

45. The impression given by the report of high rates of polygamy in Namibia despite the predominance of Christianity had been based on unreliable statistics, which the Department intended to re-examine. However, it was clear that the influence of traditional culture in that regard was stronger than that of the Christian churches, which in any case had not placed any strong emphasis on polygamy. A 1992 legislative resolution designed to protect widows had met with strong resistance, and it was hoped that a new inheritance law would have greater impact. The Government was committed to implementing the provisions of the Convention regarding the registration of customary marriages, but could not do so until adequate research had been carried out. Likewise, equalizing the rights of husbands and wives in customary marriages under the Married Persons Equality Act would also require research; the Act did not specifically address polygamy. Polygamy was a sensitive issue in Namibia because of its traditional connection with the culture and because some of those who practised it were respected traditional community leaders; the Government was obliged to handle the issue carefully so as not to jeopardize its ability to effect change in overall community attitudes towards gender equality.

46. Ms. GONZALEZ expressed her gratitude for the high degree of thoroughness and clarity that had characterized both the report and the Namibian representative's responses to the Committee's questions, and said that she had been very encouraged to see the serious approach taken by the Namibian Government to the matter of the advancement of women.

47. Ms. SINEGIORGIS said that she too had been highly impressed by the report and by the presentation of the responses to the Committee's questions, and looked forward to receiving the second periodic report of Namibia for that reason.

48. Ms. CORTI said that it was very important for the Committee to see the progress made by women in a new, independent country and the political will that was being demonstrated. She hoped that all the committee's suggestions for the full implementation of the Convention would be transmitted to the bodies dealing with women's issues.

49. Ms. ABAKA said that it was commendable that the representative of Namibia had responded to almost all the questions posed, and had given satisfactory reasons for not being able to respond to the remaining questions.

50. She hoped that Namibia would maintain its traditional courts, since there was much respect for traditional rulers and the rulings of traditional courts

were sometimes taken more seriously than those of ordinary courts; they were also far less expensive.

51. Although she understood the explanation given as to why the Department of Women Affairs was not entitled to vote in the Cabinet, she felt that voting rights should be sought for the Department, which could not simply have token representation in the Cabinet.

52. Ms. FERRER said that the replies given by the representative of Namibia provided a very broad picture of the situation in that country. Since women had participated actively in the freedom struggle, they would no doubt participate actively in the new stage of struggle in all areas of national life. It was encouraging that the Government of Namibia, and the Department of Women Affairs in particular, were very serious about the advancement of women; it was to be hoped that traditional cultural patterns would change and women would continue to progress, in implementation of the national plan of action.

53. Ms. BERNARD expressed admiration for the replies given by the representative of Namibia. Namibian women had accomplished a great deal in a short space of time and that augured well for the future of Namibia.

54. Ms. NDAITWAH (Namibia) said that the question of cooperation with non-governmental organizations had come up several times, and could be answered by a member of a non-governmental organization.

55. Ms. HUBBARD (Legal Assistance Centre) said that there had been excellent cooperation between the Government of Namibia and non-governmental organizations in preparing the report. The level of cooperation, discussion and debate with non-governmental organizations was a very great asset for Namibia and for democracy in Namibia.

56. The CHAIRPERSON said that the committee was appreciative that, after a long struggle for independence and despite constraints, Namibia had ratified the Convention without any reservations and fulfilled its obligation by submitting a detailed report. It had introduced temporary special measures to establish equality for women in some critical areas, increasing their visibility in the public sector, and had worked to replace discriminatory laws with gender-sensitive laws. Since culture and traditions influenced the operation of law, further efforts should be made to strengthen advocacy and increase awareness among the population. Additional and more specific information should be provided in the next report about critical areas of concern such as violence against women and prostitution. She hoped that the Committee's concluding comments would be widely disseminated in Namibia.

57. Ms. Ndaitwah (Namibia) withdrew.

Report of the pre-session working group (CEDAW/C/1997/II/CRP.1 and Add.1-4)

58. Ms. JAVATE DE DIOS, Chairperson of the pre-session working group, recalled that at its sixteenth session, the Committee had decided that four members, representing the different regions, would participate in the pre-session working group. Ms. Aouij, the member from Africa, had been unable to attend, and no

other member from Africa had been available. The pre-session working group was required to prepare lists of issues and questions with respect to the reports of four States parties to be sent to the Governments of Argentina, Australia, Bangladesh and Italy.

59. The pre-session working group had operated under a number of constraints, including the fact that it met for only four days instead of five because of a public holiday, the presence of only three members, and the late receipt of the third periodic report of Italy. The pre-session working group had indicated to the Government of Italy that the questions derived only from the members of the working group and other questions would have to be fielded from the floor.

60. Despite the time pressure the pre-session working group had had intense and full debates; for the first time it had been required to formulate a limited number of strategic questions focusing in greater depth upon issues of particular interest or concern.

61. The pre-session working group had noted that the reports reviewed revealed that significant gains had been made; however, it was disappointed that those countries with substantive reservations had maintained those reservations, and was concerned about the persistence of some phenomena.

62. The pre-session working group had found that the third periodic report of Australia was very similar to the previous report, and had therefore expressed its disappointment that the report was outdated and did not provide updated statistical information.

63. Ms. AOUIJ said that she had not received an invitation from the Division for the Advancement of Women to participate in the pre-session working group. It was therefore incorrect to say that she had been unable to attend.

64. Ms. CONNORS (Chief of the Women's Rights Unit, Division for the Advancement of Women) said that, at the end of the sixteenth session, there had been some confusion as to who had been selected to represent Africa in the pre-session working group. The Division had been under the impression that Ms. Ouedraogo had been selected, and had contacted her; when it had discovered the error, it had contacted Ms. Aouij, but, with communications difficulties, it had then been too late to find another member from Africa. She apologized to the Committee.

65. Ms. OUEDRAOGO said that she had indeed been contacted by the Division, and had communicated with Ms. Aouij; it was important for the Division to contact the participants in good time.

66. Ms. SINEGIORGIS said that a change must be made to paragraph 2 of document CEDAW/C/1997/II/CRP.1 to reflect what had actually happened.

67. The CHAIRPERSON said that she took it that the Committee wished to take note of the report of the pre-session working group, subject to such an amendment.

68. It was so decided.

The meeting rose at 1.00 p.m.